

1.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

US AIRWAYS, INC.,

Plaintiff,

vs.

J. DEE DENNIS, JR., in his official capacity as
Superintendent of the New Mexico Regulation
and Licensing Department, *et al.*,

Defendants.

Civil No. 07-1235 MCA-LFG

[PROPOSED] PRE-TRIAL SCHEDULING ORDER

A scheduling conference was held in this matter on August 15, 2011. Stephen Brody of O'Melveny & Myers LLP and Kristina Martinez of Holland & Hart LLP appeared on behalf of plaintiff. Joseph Goldberg and John Boyd of Freedman Boyd Hollander Goldberg Ives & Duncan, P.A. appeared on behalf of defendants. The parties have met and conferred and jointly propose a pre-trial schedule as directed by the Court.

Accordingly, it is ORDERED that the following deadlines will apply to this action:

1. Plaintiff's Experts. Plaintiff US Airways will be permitted to identify up to two additional experts and serve expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than September 14, 2011.

2. Defendants' Rebuttal Experts. Defendants shall be permitted to identify rebuttal experts and serve rebuttal reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than October 14, 2011.

3. *Daubert* motions. Any motions to exclude expert opinion pursuant to Fed. R. Evid. 702 must be filed no later than January 13, 2012. Opposition memoranda must be filed by February 13, 2012, and reply memoranda must be filed by March 5, 2012.

4. Witness and Exhibit Lists. The parties shall exchange trial witness and exhibit lists no later than March 9, 2012. Witness lists shall include a short description of the substance of the testimony to be offered by each witness. Plaintiff's exhibits shall be numbered and defendants' exhibits shall be lettered.

5. Rebuttal Witness and Exhibit Lists. The parties shall exchange rebuttal trial witness and exhibit lists no later than March 16, 2012. Rebuttal witness lists shall include a short description of the substance of the testimony to be offered by each rebuttal witness. The parties shall be permitted to identify supplemental witnesses and exhibits no later than April 13, 2012, but only with leave of Court and for good cause shown.

6. Objections to Witnesses and Exhibits. Objections to witnesses and exhibits must be filed no later than March 23, 2012. Objections shall specify the Rule of Evidence or other legal authority upon which the objection is based.

7. Motions in Limine. Motions in limine shall be filed no later than March 23, 2012. Opposition memoranda must be filed by April 2, 2012, and reply memoranda, if any, must be filed by April 9, 2012.

8. Deposition Designations. The parties shall exchange deposition designations no later than March 23, 2012.

9. Counter-Designations and Objections. The parties shall exchange objections to deposition designations and deposition counter-designations no later than April 6, 2012. Any objections to counter-designations shall be served no later than April 13, 2012.

10. Trial Briefs; Pretrial Proposed Findings of Fact and Conclusions of Law. Trial Briefs and Pretrial Proposed Findings of Fact and Conclusions of Law shall be filed no later than April 6, 2012. By the same date, each party shall also submit its Proposed Findings of Fact and Conclusions of Law via email to the Court's text box in a Wordperfect or rich.txt format.

11. Joint Exhibit List. The parties shall submit a Joint Exhibit List in compliance with the Court's Preparation for Civil Trial instructions no later than April 9, 2012.

12. Exhibit Binders. Exhibit binders containing a hard copy of all trial exhibits must be delivered to chambers no later than April 16, 2012.

13. List of Witnesses. A complete list of witnesses to be called at trial shall be filed no later than April 16, 2012.

14. Pretrial Conference. The Court will hold a final Pretrial Conference/Call of the Calendar on a date to be set by separate notice.

15. Trial. Trial will begin on April 23, 2012.

Dated: September 13, 2011.



M. CHRISTINA ARMIJO

UNITED STATES DISTRICT JUDGE